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E.O. 12958: N/A  
TAGS: [PGOV](#) [PREL](#) [KDEM](#) [EAID](#) [HA](#)  
SUBJECT: HAITI: PRESIDENT PREVAL ISSUES DECREE VALIDATING  
APRIL 19 SENATE ELECTION DATE

REF: A. 08 PORT AU PRINCE 1757  
[1](#)B. 08 PORT AU PRINCE 520  
[1](#)C. 08 PORT AU PRINCE 447

[1](#)1. (U) The Presidential Decree making official the partial senatorial elections in April was published in Haiti's official legal bulletin, 'Le Moniteur,' January 7. Dated December 29, the decree was signed by President Preval, the Prime Minister and all cabinet ministers. The decree confirms the date of April 19 for the first round of partial Senate elections, which will replace the ten Senators whose terms expired in May of last year. These elections will also fill the seat of Senator Rudolph Boulos of the Northeast Department who the Senate expelled last March, and the seat of deceased Senator Noel Emmanuel Limage of the Artibonite Department.

[1](#)2. (U) This long-awaited decree makes the election date official, and will allow international donors to unlock their promised electoral assistance funds (ref A). While the decree was the last step needed to commit the government legally to these elections, it still raised controversy over the legality of filling the seat held by Rudolph Boulos. A month-long Senate inquiry concluded in March 2008 that Boulos, who was born in New York, is a U.S. citizen and therefore never legitimately held the title of senator, since the Haitian constitution prohibits dual-nationality. Boulos immediately resigned, but days later retracted his resignation (ref B,C).

[1](#)3. (U) A provincial court in Fort Liberte, the capital of the Northeast Department which is Boulos' constituency, later ruled on a Boulos suit that only the courts, not the Senate, could determine Boulos' nationality and whether he could legally hold his seat. The Senate passed a resolution in late November referring the matter to the courts. (Note: Boulos's lawyers have warned the Provisional Electoral Council (CEP) not to hold elections for the Northeast District, since they consider Boulos a legal senator. End note) The Senate has yet to comply with numerous other senators' requests to revisit the Boulos issue, for which opinion appears to have evolved in Boulos's favor since last March.

[1](#)4. (U) Provisional Electoral Council (CEP) Member Ginette Cherubin said on January 7 that the decree's inclusion of Boulos's seat in the upcoming election eliminates uncertainty on the issue. Senator Andris Riche (OPL, Grand'Anse) who replaced Boulos as Senate Vice President, also publicly supported including the Boulos seat in the upcoming election. This will enable the CEP to move confidently forward with the electoral process. On the other hand, Victor Benoit, President of the 'Fusion' party to which Boulos belongs, called the decree 'an illegal, arbitrary' measure and criticized Preval and the CEP for effectively declaring

invalid the popular vote that elected Boulos. Benoit noted the Fort-Liberte Court's (Northeast) decision in November to validate Boulos's mandate should not have been ignored and called on the President and the CEP to let the Appeals Court make the final determination.

¶5. (SBU) Newly elected Haiti Chamber of Commerce and Industry (CCIH) President Reginald Boulos, brother of the Senator, says privately that his family and the Fusion party will take the government to court to have the election decree overturned.

SANDERSON